

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re DIREXION SHARES ETF TRUST

Civil Action No. 1:09-CV-08011-KBF

**NOTICE OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF PROPOSED  
CLASS ACTION SETTLEMENT AND APPROVAL OF PLAN OF ALLOCATION**

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order dated February 5, 2013, on preliminary approval of the proposed settlement and providing for notice, and upon the Joint Declaration in Support of (I) Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement and (II) Plaintiffs' Unopposed Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Reimbursement Awards; Plaintiffs' Memorandum of Law in Support of Motion for Final Approval of Proposed Class Action Settlement and Approval of Plan of Allocation; the Affidavit of Edward J. Sincavage Regarding (A) Mailing of the Notice and Proof of Claim, (B) Publication of the Summary Notice, and (C) Report on Requests for Exclusion and Objections, and all other papers and proceedings herein, Plaintiffs will and do hereby move this Court on May 10, 2013, at 2:00 p.m. in the Courtroom of the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007, or other such location and time as set by the Court, for entry of a Judgment approving the Settlement as fair, reasonable and adequate and for entry of an Order approving the proposed Plan of Allocation as fair and reasonable. A [Proposed] Final Judgment and Order

of Dismissal with Prejudice is attached hereto.

Dated: April 5, 2013

Respectfully submitted,

By: /s/ Mark C. Rifkin  
Mark C. Rifkin  
rifkin@whafh.com  
Maja Lukic  
lukic@whafh.com  
**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**  
270 Madison Avenue  
New York, NY 10016  
Phone: (212) 545-4600  
Fax: (212) 545-4653

Kenneth G. Gilman  
kgilman@gilmanpastor.com  
**GILMAN LAW LLP**  
Beachway Professional Center Tower  
3301 Bonita Beach Road, Suite 307  
Bonita Springs, FL 34134  
Phone: (239) 221-8301  
Fax: (239) 676-8224

*Co-Lead Counsel for the ERY  
Plaintiffs and the Class*

William B. Federman  
wbf@federmanlaw.com  
Stuart Emmons  
swe@federmanlaw.com  
**FEDERMAN & SHERWOOD**  
10205 N. Pennsylvania Avenue  
Oklahoma City, OK 73120  
Phone: (405) 235-1560  
Fax: (405) 239-2112

*Lead Counsel for the FAZ  
Plaintiffs and the Class*